IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 36521 of 2007(W)

PETITIONER:

K.R.CHITHRADHARAN,
SENIOR SUPERINTENDENT (INSPECTION),
COLLECTORATE, ALAPPUZHA.

BY ADV. SRI.V.RAJENDRAN

RESPONDENTS:
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1. COMMISSIONER FOR LAND REVENUE,
THIRUVANANTHAPURAM.

2. ADDITIONAL COMMISSIONER FOR LAND
REVENUE, THIRUVANANTHAPURAM.

3. DISTRICT COLLECTOR,
ALAPPUZHA.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 36521 of 2007

Dated this the 3rd December, 2007

J U D G M E N T

The petitioner is a physically handicapped person who is now working as Senior Superintendent in Alappuzha Collectorate. He was originally appointed as L.D. Clerk and was promoted as U.D.Clerk, Village Officer, Deputy Tahasildar and thereafter as Tahasildar. But in Exhibit-P1 order passed by the Additional Commissioner of Land Revenue, it is made clear that the petitioner and another will be posted only as Senior Superintendent taking note of their physical disability. According to the petitioner as a Senior Superintendent, he has to undertake considerable travel. Therefore, considering his disability, he sought for a posting as Tahasildar and pointed out four vacancies in that regard, in Cherthala Taluk itself. Petitioner has filed Exhibit-P5 representation before the District Collector who is competent to give a posting to the petitioner as Tahasildar. But apparently, the District Collector thought that in view of the proviso in Exhibit-P1 which requires the petitioner to be posted as Senior Superintendent, a clarification is necessary from the Land Revenue Commissioner and has moved Exhibit-P6

in this regard. In the meanwhile, if vacancies in the post of Tahasildar in Cherthala Taluk which are currently existing are filled up, it will cause difficulties to the petitioner. Hence the writ petition.

After having heard the learned Government Pleader also, the writ petition is disposed of in the following terms:

1) The 1st respondent shall give a suitable response on Exhibit-P6 as early as possible, at any rate, within a period of three weeks from the date of receipt of a copy of this judgment. It may be noted that since the posting as Senior Superintendent is sought to be given only as a concession to the petitioner. The petitioner is entitled to waive the same. It is always open to the petitioner to approach the 1st respondent to keep this aspect in mind while issuing a clarification on Exhibit-P6. Immediately on receipt of the same, the District Collector shall give a suitable posting to the petitioner on the basis of Exhibit-P5. Subject to these directions, the writ petition is disposed of.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007